

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, JANUARY 14, 2003 AT 10:00 A.M.
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**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, JANUARY 14, 2003 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

OTHER LEGISLATIVE MEETINGS

A **Special** Meeting of the **SAN DIEGO REDEVELOPMENT AGENCY** has been scheduled to meet today in the Council Chambers. A special docket will be issued regarding this meeting, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at 533-5432.

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7540.

ITEM-300: ROLL CALL.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-330: Two actions related to the Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment Fiscal Year 2003.

(See City Manager Report CMR-02-261; Public Facilities Financing Plan and FBA, Fiscal Year 2003, October 2002 Draft. Otay Mesa Community Area. District-8.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-651)

Designating an area of benefit in Otay Mesa and the boundaries thereof; confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects; the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering the proposed Public Facilities Project in the matter of Otay Mesa Facilities Benefit Assessment Area.

Subitem-B: (R-2003-624)

Declaring that the assessment fee schedule contained in the Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2003, October 2002, as adopted and approved on December 3, 2002, by Resolution R-297428, is an appropriate and applicable Development Impact Fee schedule [DIF] for all properties within the Otay Mesa Community;

Declaring that the Docket Supporting Information and the text contained in the Otay Mesa Public Facilities Financing Plan are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code Sections 66001(a) and 66001(b) for imposition of DIFs.

Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 11/13/2002, LU&H voted 5 to 0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Stevens, Maienschein and Frye voted yea.)

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-331: Two actions related to Scripps Miramar Ranch - FY 2003 Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report CMR-02-283; Public Facilities Financing Plan and FBA, Fiscal Year 2003, November 2002 2nd Draft. Scripps Miramar Ranch Community Area. District-5.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-667 Cor. Copy)

Designating an area of benefit in Scripps Miramar Ranch and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of Scripps Miramar Ranch Facilities Benefit Assessment Area.

Subitem-B: (R-2003-666 Cor. Copy)

Declaring that the assessment fee schedule contained in the Scripps Miramar Ranch Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2003, November 2002, as adopted and approved on December 10, 2002, by Resolution No. R-297440, is an appropriate and applicable development impact fee schedule [DIF] for all properties within the Scripps Miramar Ranch Community;

Declaring that the Docket Supporting Information and the text contained in the Public Facilities Financing Plan are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code Sections 66001(a) and 66001(b) for imposition of DIFs.

Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 11/27/2002, LU&H voted 5 to 0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Stevens, Maienschein and Frye voted yea.)

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-332: Two actions related to Black Mountain Ranch - FY 2003 Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report CMR-02-284; Public Facilities Financing Plan and FBA, Fiscal Year 2003, October 2002 Draft. Black Mountain Ranch Community Area. District-1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-714)

Designating an area of benefit in Black Mountain Ranch and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan

and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of Black Mountain Ranch Facilities Benefit Assessment Area.

Subitem-B: (R-2003-713)

Declaring that the assessment fee schedule contained in the Black Mountain Ranch Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2003, October 2002, as adopted and approved on December 3, 2002, by Resolution No. R-297438, is an appropriate and applicable development impact fee schedule [DIF] for all properties within the Black Mountain Ranch Community;

Declaring that the Docket Supporting Information and the text contained in the Public Facilities Financing Plan are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code Sections 66001(a) and 66001(b) for imposition of DIFs.

Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 11/27/2002, LU&H voted 5 to 0 to approve the City Manager's recommendation. Also, all interested stakeholders are to be included in the FBA process earlier. (Councilmembers Peters, Wear, Stevens, Maienschein and Frye voted yea.)

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-333: Two actions related to Carmel Valley - FY2003 Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report CMR-02-262; Public Facilities Financing Plan and FBA, Fiscal Year 2003, October 2002 Draft. Carmel Valley Community Area. District-1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-655)

Designating two areas of benefit in Carmel Valley and boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the areas of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of Carmel Valley Facilities Benefit Assessment Area.

Subitem-B: (R-2003-654)

Declaring that the assessment fee schedule contained in the Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2003, October 2002, as adopted and approved on December 3, 2002, by Resolution No. R-297426, is an appropriate and applicable development impact fee schedule [DIF] for all properties within the Carmel Valley Community;

Declaring that the Docket Supporting Information and the text contained in the Carmel Valley Public Facilities Financing Plan are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code Sections 66001(a) and 66001(b) for imposition of DIFs.

Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 11/13/2002, LU&H voted 4 to 0 to approve the City Manager's recommendation. (Councilmembers Wear, Stevens, Maienschein and Frye voted yea. Councilmember Peters not

present.)

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-334: Toby Wells YMCA.

Matter of approving, conditionally approving, modifying or denying the Community Plan Amendment and Amendment to the New Century Center Master Plan, Conditional Use Permit No. 4706, and an Amendment to Planned Industrial Development/Planned Commercial Development No. 99-1269 (Permit No. 4705) to develop a new YMCA facility, including an approximately 45,000 square foot building with Child Care Center facility; a swimming pool with retractable cover; an outdoor soccer field (with lights); playgrounds, and associated restrooms. The 6.6 acre project site is in the existing Missile Park located at the northeast corner of Overland Avenue and Lightwave Avenue in the OS-TDR zone of the Kearny Mesa Community Plan area.

(CPA/Amendment to New Century Center Master Plan/CUP-4706/ Amendment to Planned Industrial Development/PCDP-99-1269, Permit No. 4705; Project No. 2358 & 2360. Kearny Mesa Community Plan Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A and B; adopt the resolution in subitem C to grant the permits:

Subitem-A: (R-2003-831)

Adoption of a Resolution certifying that the information contained in the Mitigated Negative Declaration LDR No. 41-02049, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Toby Wells YMCA-Project No. 2358 and 2360;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2003-830)

Adoption of a Resolution amending the Kearny Mesa Community Plan;

That the Council adopts the amendment to the New Century Center Master Plan (Volumes One through Three), a copy is on file in the office of the City Clerk;

That the Council adopts an amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plans.

Subitem-C: (R-2003-)

Adoption of a Resolution granting or denying Planned Industrial Development/Planned Commercial Development Permit No. 4705 and Conditional Use Permit No. 4706, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

On December 5, 2002 the Planning Commission voted 4-0 to approve; no opposition.

Ayes: Brown, Lettieri, Anderson, Chase

Recusing: Schultz, Steele

Not present: Garcia

The Kearny Mesa Community Planning Group has recommended approval of this project.

SUPPORTING INFORMATION:

The Toby Wells YMCA project proposes to develop the 6.6 acre Missile Park site with a YMCA community recreational facility. The project site is designated as Open Space in the Kearny Mesa Community Plan and is further identified in the New Century Center Master Plan as a passive recreational area. The site is zoned OS-TDR. The proposed YMCA facility would include an approximately 45,000 square foot, single-story athletic/recreational activity building; a Child Care Center; a 25 yard swimming pool with retractable cover; an outdoor soccer field with lights; children's playground, picnic areas, walking/jogging trail, and associated restroom facilities.

The Child Care Center would provide day care for up to 88 children. Requested discretionary actions include an amendment to the Kearny Mesa Community Plan and the New Century Center Master Plan to allow active recreational uses on the site, a Conditional Use Permit, and an amendment to the existing Planned Industrial Permit/Planned Commercial Development Permit (No. 99-1269). The project is subject to the Municipal Code that was in effect prior to January 2000 due to the existing Development Agreement between the City and the property owner.

TRAFFIC IMPACT:

The proposed project is estimated to generate approximately 1,279 average daily trips (ADT). This increase in trips is not expected to generate a significant impact on the surrounding roadway circulation.

FISCAL IMPACT:

All costs associated with the project are recovered from a deposit provided by the applicant.

Ewell/Christiansen/VLG

LEGAL DESCRIPTION:

The project site is zoned OS-TDR, and is located at the northeast corner of Overland and Lightwave Avenues in the Kearny Mesa Community Planning Area and is more particularly described as Lot 32, San Diego Spectrum Phase 2, Map No. 13827.

ADOPTION AGENDA, HEARINGS
NOTICED HEARINGS:

ITEM-335: Street Name Change - Camino Ruiz and Camino Del Norte to Camino Del Sur.

(Torrey Highlands Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-709)

Changing the name of a portion of Camino Ruiz and Camino Del Norte to Camino Del Sur.

CITY MANAGER SUPPORTING INFORMATION:

The applicant, Santa Luz LLC, requests Council to change the name of Camino Ruiz north of the

Penasquitos Canyon and to change the name of a portion of Camino Del Norte to the new street name of Camino Del Sur. The street name Camino Ruiz would remain south of the Penasquitos Canyon. The street name Camino Del Norte would remain east of Black Mountain Road to its intersection with Pomerado Road in the City of Poway.

The extension of Camino Ruiz through the Penasquitos Canyon is not currently planned. Camino Ruiz and the area south of the canyon is fully improved with many adjacent properties addressed to Camino Ruiz. Camino Ruiz and the area north of the canyon is currently in development and the name change would have very little impact upon addressing. Renaming Camino Ruiz north of the canyon will relieve the confusion of the two roads not connecting, improving the convenience and safety of the public. Renaming a portion of Camino Del Norte, currently unimproved, would provide a continuous route to an appropriate intersection at Black Mountain Road which is also at the boundary of the City and County of San Diego.

The Rancho Penasquitos Planning Board approved the street name changes on June 5, 2002. There were no objections raised and the motion to endorse the name change passed unanimously. A petition seeking support of the street name change was approved by 100% of the affected property owners.

FISCAL IMPACT:

None. All costs will be paid by the applicant. Development Services Department recommends approval of this request.

Ewell/Broughton/AKW

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-336: Morena Vista Transit - Oriented Development Project.

(See Redevelopment Agency Report RA-03-02/City Manager Report CMR-03-01.
North Bay Redevelopment Project Area. Districts-1, 2, and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-852)

Authorizing the modification of the Annual Allocation - Undergrounding Utilities, San Diego Gas & Electric Company Allocation for 2003 Calendar Year, contingent upon the California Public Utility Commission approval of the proposed Undergrounding Surcharge Fund and receipt of funds, by:

1. Removing the project known as CCDC Area 1, Phase 2, Job 2 (Transmission Only) located on Union Street between Date and Ash and on Beech Street between State and 4th estimated at \$1,114,000;
2. Removing the project known as Sorrento Valley Road between an area south of Carmel Valley Road and north of Oleander, estimated at \$741,000; and
3. Replacing both of these projects with a project known as Morena Vista Transit-Oriented Development Project, estimated at \$2,000,000.

Declaring that the foregoing actions are specifically contingent upon the California Public Utility Commission approval of the proposed Undergrounding Surcharge Fund and receipt of funds, and directing the staff to continue to refine the plan and to return to Council for approval;

Authorizing the City staff to negotiate a lease with the Development Agency for Park and Ride spaces adjacent to the Project.

NOTE: See the Redevelopment Agency Agenda of 1/14/2003 for a companion item.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-337: Guidelines for Implementation of the HUD Section 108 Loan Program.

(See City Manager Report CMR-03-003.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-860)

Approving the establishment of the proposed guidelines for the administration and use of the Department of Housing and Urban Development (HUD) Section 108 Loan Program as follows:

I. COLLATERALIZATION

1. Whenever possible, the Manager will recommend to the Council that the loan related asset, including leasehold interests and/or any revenue generated by the loan related project be used to collateralize the loan.
2. When full collateralization of a loan is not possible using only the loan related asset or revenue stream, the Manager will consider the following options in terms of each project's situation and needs and will recommend that one or more of the following be used:

- A. From within the same Council district only, alternative real estate, revenue, or other assets including but not limited to:
 - Other 108 loan financed real estate which has uncollateralized value
 - Any other appropriate City property
 - Tax increment revenue (applicable only to projects in redevelopment areas)
 - Assignment of leasehold interests, including the assignment of rights related to lease-leaseback agreements on property that could not otherwise be used as collateral, parkland in particular
- B. Granting HUD the right to attach the City's final CDBG entitlement grant in the event that Congress terminates the CDBG program.

3. Community and Economic Development staff will keep track of collateral status for each loan and, in the case of those that are collateralized wholly or in part by alternatives contained in Guideline 2, will take necessary steps to reduce the collateral to only the loan related assets. These steps could include the release of encumbrances as loans are paid down and the substitution of one collateral source for another. HUD is generally receptive to substitution of collateral as long as the newly offered collateral meets their 125 percent requirement.

II. LIMITS ON HUD SECTION 108 DEBT

Establish a limit on 108 debt to an amount no more than the 3.5 times the City's annual CDBG entitlements grant award.

III. ESTABLISHMENT OF AN ANNUAL APPLICATION PROCESS FOR 108 LOANS

The Manager will utilize the annual Consolidated Plan process to provide a status report regarding use of Section 108 funds to the City Council.

To the greatest extent possible, the Consolidated Plan process will be used to structure the consideration of projects to be assisted with 108 loan funds.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-338: HUD Section 108 Loan for District 3 Public Improvements.

(See City Manager Report CMR-03-004. City Heights, North Park and Normal Heights Community Areas. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-861)

Authorizing the City Manager to apply to the Housing and Urban Development Department (HUD) for a Section 108 loan of \$3,707,000 for public improvements in Council District 3 and to set forth the legal authority and certifications necessary for such an application;

Authorizing the City Manager to accept such funds; to expend such funds contingent on receipt of an Auditor's Certificate to do so; to conduct all negotiations related to the loan; and to execute and submit all documents related to the processing of such a loan;

Amending the Fiscal Year 2003 Capital Improvements Program by adding the following projects:

Ray Street Improvements - CIP-39-084.0
Azalea Park Neighborhood Identification - CIP-39-086.0
Shirley Ann Place Sidewalks - CIP-39-089.0
Council District 3 Mid-block Streetlights - CIP-61-202.0

Authorizing the City Manager to appropriate proceeds of up to \$3,707,000 from the HUD 108 loan to the following CIP accounts, contingent upon receipt of the funds:

Neighborhood Revitalization Projects
Adams Avenue Infrastructure - CIP-39-205.0
El Cajon Boulevard Medians - CIP-39-201.0
Ray Street Improvements - CIP-39-084.0
North Park Main Street Streetscapes - CIP-39-207.0
Euclid Avenue Revitalization Action Plan - CIP-52-699.0
Azalea Park Neighborhood Identification - CIP-39-086.0
Shirley Ann Place Sidewalks - CIP-39-089.0

Infrastructure Projects

Council District 3 Sidewalk Program - CIP-52-336.0

Council District 3 Streetlight Conversion - CIP-61-201.0

Council District 3 Mid-block Streetlights - CIP-61-202.0

Authorizing budget adjustments to the FY2002 Capital Improvements Program budget;

Authorizing the City Manager to use Council District 3 Community Development Block Grant (CDBG) annual allocations as the source of repayment of the HUD 108 loan;

Authorizing the City Manager to amend the CDBG 2003 Action Plan to reflect the use of HUD 108 loan funds for the following projects:

Neighborhood Revitalization Projects

Adams Avenue Infrastructure

El Cajon Boulevard Medians

Ray Street Improvements

North Park Main Street Streetscapes

Euclid Avenue Revitalization Action Plan

Azalea Park Neighborhood Identification

Shirley Ann Place Sidewalks

Infrastructure Projects

Council District 3 Sidewalk Program

Council District 3 Streetlight Conversion

Council District 3 Mid-block Streetlights

Authorizing the City Manager to pledge the City's annual CDBG entitlement grants as additional security for the repayment and to encumber the Mid City Police Station property (4310 Landis Street) as the collateral for the HUD Section loan.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT